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OFFICE OF PETITIONS

In re Application of
Nakajima et al.
Application No. 10/773,142
Filed: February 9, 2004
Attorney Docket No. 26GT-004-DIV2
Title of Invention: Weather Strip

ON PETITION

This is a decision on the petition under 37 CFR §1.181 filed May 9, 2006 to withdraw the holding of abandonment.

The petition filed under 37 CFR 1.181 is **Granted**.

This application was held abandoned August 28, 2005 for failure to timely reply to the non-final Office Action mailed on May 27, 2005. The non-final Office Action set a three (3) month extendable time period for reply. A Notice of Abandonment was mailed December 9, 2005.

Petitioner contends a reply to the non-final Office Action was received in the Office on October 13, 2005. Petitioner acknowledges that the reply which included an amendment, replacement drawings, a check and terminal disclaimer all contained the incorrect application number (10/733,142). The amendment did contain the correct art unit, name of the examiner, attorney docket number, filing date and title of invention. In support of petitioner's contention that a response was timely submitted to the Office Action, petitioner has submitted a copy of a stamped post card receipt and a copy of the response.

Correspondence directed to the Patent and Trademark Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-referenced application, applicant failed to correctly identify the application by citing an incorrect application number in the correspondence. The Office elects, in this instance, to treat

applicant's transposition of numbers as a correctable minor error as permitted under MPEP 502. However, applicant is reminded that minor errors, such as occurred in the instant application, are to be avoided in the future by the careful review of correspondence prior to submission to the Office.

The response submitted October 13, 2005 has not been located in the Office. The \$130.00 fee submitted in conjunction with the terminal disclaimer has been located in application 10/733,142 and will be transferred. Based on the facts stated in the instant petition and the corroborative evidence provided, it is concluded that the holding of abandonment was improperly imposed.

The Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

This application is being forwarded to the Art Unit 3634 for further processing of the amendment and replacement drawings submitted with the petition.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.



Charlema R. Grant
Petition Attorney
Office of Petitions